

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BEVERLY ANN GRIFFIN, individually and as
Administratrix of the Estate of her son, BRADLEY
BALLARD,

**STIPULATION OF
SETTLEMENT**

14 CV 7329 (NRB)

-against-

THE CITY OF NEW YORK, *et al.*,

Defendants.
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WHEREAS, Plaintiff Beverly Ann Griffin, proceeding individually and as Administratrix of the Estate of her son, Bradley Ballard, commenced this action by filing a summons and complaint in the United States District Court for the Southern District of New York on or about September 10, 2014, as amended and filed on or about December 3, 2014, and as further amended and filed on or about March 15, 2016, seeking compensatory relief and punitive damages for alleged violations of both federal and state law in connection with the death of Bradley Ballard; and

WHEREAS, Defendants the City of New York, the New York City Department of Correction, Former Commissioner Dora B. Schiro, Former Chief of Department Evelyn Mirabal, Former Warden Rose Agro, Assistant Deputy Warden Elaine Barrett, and Assistant Deputy Warden Andoure Grant deny any and all liability or wrongdoing arising from Plaintiff's allegations, and nothing in this stipulation shall be deemed an admission of any fault or liability by any defendant; and

WHEREAS, the above Defendants and Plaintiff now desire to resolve the issues raised in this action without further proceedings and without admitting any fault or liability; and

WHEREAS, Plaintiff has authorized her counsel to settle this matter on the terms set forth below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed against all Defendants, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay Beverly Ann Griffin, as Adminsitratrix of the Estate of Bradley Ballard and on her own behalf, the sum total of FIVE MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$5,750,000.00) in full satisfaction of all claims that were or could have been raised in this action, including all claims for damages, costs, expenses and fees.

3. Payment of the amount set forth in paragraph "2" above will be made within ninety (90) days after the approval of this stipulation by the Court and the receipt by the Defendant the City of New York of the "Affidavit of Status of Liens" and a Release, both executed by Plaintiff.

4. In consideration for the payment of the amount set forth in paragraph "2" above, Plaintiff agrees to dismiss and discontinue, with prejudice, all claims asserted in this action, and to release all Defendants, including but not limited to the City of New York, the New York City Department of Correction, Former Commissioner Dora B. Schriro, Former Chief of Department Evelyn Mirabal, Former Warden Rose Agro, Corizon Health, Inc., Dr. Ahmed

Haider, Dr. Nageh Garas, Dr. Yugundo Park, Laura Van Wyk, Arnel Durandisse, Dr. Laali Ali, Froilan Suarez, Reagan Anusionwu, Dr. Ayodele Green, Emmanuel Charles, Philip Wittingham, Captain Timothy Johnson, Deputy Warden John Gallagher, Captain Arnold Marshall, Correction Officer Alexander McDonald, Correction Officer Jhulian Newell-Little, Captain Darronn Frederick, Assistant Deputy Warden Andoure Grant, Assistant Deputy Warden Elaine Barrett, Bureau Chief Turhan Gumusdere, and Assistant Deputy Warden Michelle Hallett, their successors and assigns; and all past and present officials, employees, representatives, and agents of the City of New York, the New York City Department of Correction, and Corizon Health, Inc., from any and all liability, claims, or rights of action, from the beginning of the world to the date on the General Release in this action, whether known or unknown, that Plaintiff raised or could have raised in the Complaint, Amended Complaint, or Second Amended Complaint in this action, including all claims for costs, expenses and fees incurred in connection with this action.

5. Plaintiff shall be responsible for the payment of any federal, state and/or local taxes on the payment specified in paragraph "2" above.

6. Plaintiff will execute and deliver to the City of New York's attorneys all documents necessary to effectuate this settlement, including, without limitation, a release, affidavit of status of liens, a Substitute W-9 form, and a compromise decree that sets forth the terms of the payment. The payment set forth above is subject to and conditioned on delivery of such documents to the City of New York's undersigned attorney.

7. Nothing contained herein shall be deemed to be an admission by any Defendant of any of the Plaintiff's allegations, nor an admission by any of the Defendants that they (or any of them) have in any manner or way violated the Plaintiff's or Bradley Ballard's rights, or the rights of any other person or entity, as defined in the constitutions, statutes,

ordinances, charters, by-laws, rules or regulations of the United States, the State of New York, or the City of New York, or any other rules, regulations or bylaws of any department or subdivision of the City of New York or the New York City Department of Correction.

8. This Stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations except for enforcement of the provisions contained herein.

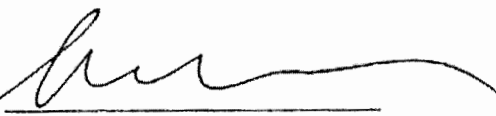
9. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Department of Correction.

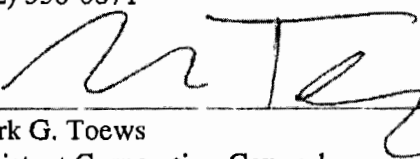
10. This Stipulation contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation of Settlement regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: September 26, 2016
New York, New York

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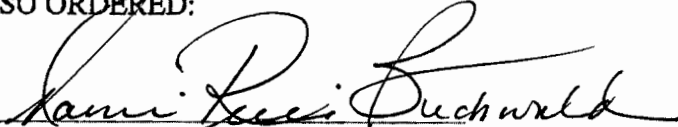
By: 
Jonathan S. Abady
Debra L. Greenberger
Hayley Horowitz

By: 
Mark G. Toews
Assistant Corporation Counsel

-and-

Jonathan Chasan
Mary Lynne Werlwas
THE LEGAL AID SOCIETY
PRISONERS' RIGHTS PROJECT
199 Water Street, 3rd Floor
New York, NY 10038

SO ORDERED:


HON. NAOMI REICE BUCHWALD

10/5/16